

**Quarterly Meeting  
of  
Kentucky Board of Housing, Buildings and Construction  
101 Sea Hero Road, Suite 100  
Frankfort, Kentucky 40601-5405**

**May 31, 2007**

**Board Members Present:**

Floyd Van Cook, Chair  
Gerard Gerhard, Proxy for Attorney General's Office  
Andrew Coyle, Proxy for Kentucky Housing Corporation  
Robert Edwards  
J. David Carter  
Dale VanWinkle  
Stephen J. Robinson  
James Martin  
David Jansing  
Ethan Buell  
Robert R. Johnson

**Board Members Absent:**

Tod Allan Griffin  
Jerry A. Taylor  
Bill Jagoe, Jr.  
David Jackson  
Charles Lewis  
Matt Myers  
Doug Muse  
Al Mattingly

**Staff Present:**

David Reichert  
Rose Baker  
Nelson Henderson

George Mann  
Tim House  
Tommy Barnes

Terry Slade  
Ken Leathers  
Libby Simpson

**Guests Present:**

John Payne, ICC  
Steve Nolson, MCA

**Quorum established and meeting called to order by Chair at approximately 10:00 a.m.**

**New members:** Dale VanWinkle and Robert R. Johnson sworn in by Staff Assistant, Rose Baker.

Chair explained the executive process of appointing board members and stated that the Governor had appointed four new members: Jerry Taylor replacing J. David Carter, Dale VanWinkle replacing Ron Dill, Robert R. Johnson replacing Gary Stevens and Tod Allan Griffin replacing Gay Dwyer. Jerry Taylor was unable to attend and Mr. Carter would sit in as his replacement for this meeting.

Chair presented appreciation plaque to Mr. Carter and expressed the Board's appreciation for his service to the Board.

**Chair called for review of the February 27, 2007 board minutes. Motion:** Mr. Buell moved for approval of the minutes as submitted. Motion seconded by Mr. Jansing. **Vote:** The motion passed unanimously.

**Approval of Electrical Advisory Committee Minutes.** Chair explained there was a problem with the minutes that were submitted. Therefore, Ken Leathers, Chief Electrical Inspector would submit the actions of the Committee and those would be approved by the Board and corrections made.

Mr. Leathers stated that the Electrical Advisory Committee met on April 17, 2007. There were two applicants, Steve Clark and Jerry Dunaway, applying for certification as electrical inspectors. Jerry Dunaway was approved as a 2A Electrical Inspector for one and two family dwellings and mobile homes. Mr. Clark's application was tabled pending submittal of further documentation of work experience.

Scott Pulliam, Local 369, appeared before the Electrical Advisory Committee and expressed concern regarding electrical work performed in the South Wing C of the Fair and Exposition Center in Louisville. After extensive discussion, Mr. Leathers believes that the recommendation was to return Mr. Pulliam's complaint back to the department engineers and his office would be available for assistance.

Mr. Leathers stated that he had received letters from home inspectors stating that some home inspectors had been advising home owners that breaker panels had to be changed out. This is not the case and he and Terry Slade will draft a letter to home inspectors to insure that this situation is taken care of.

Chair advised the Board that Libby Simpson, new section chief for electrical licensing, would be taking over the approval of electrical CEU's.

**Motion:** Mr. Carter made the motion to approve the actions of the Committee with the minutes to be corrected. Motion seconded by Mr. Jansing. **Vote:** The motion passed unanimously.

**Plumbing Code Committee.** Chair requested Mr. Tim House, Director, Division of Plumbing, to present the proposed Plumbing Code Committee's proposed plumbing code changes to the Board.

Mr. House related that code change number 172 was clarification of the intent of the existing language in 815 KAR 20:090. In KAR 815 20:020, code change number 173, parts and materials list, two items were added. One was an Innovator tub waste and overflow and the other was a cleanout tee. Chair requested that Mr. House explain code change number 172. Mr. House stated that the original intent of the code was two inches under the slab. The original language states that the two inches stop short of coming through the slab. This new language will clarify the existing language. Chair also requested the explanation for code change number 172 and stated to the Board that any parts or materials sold through Lowe's, Home Depot, etc. had to be approved by the Plumbing Code Committee and this Board, otherwise it is not supposed to be sold in the state. Mr. House added that it was also not supposed to be installed. Anything new introduced into the industry has to go through the code committee.

**Motion:** Chair called for motion to approve the two plumbing code changes. Mr. Carter made a motion to approve code change number 172 and 173. Motion seconded by Mr. Jansing. **Vote:** The motion passed unanimously.

**Building Code Enforcement.** Chair requested that Mr. George Mann, Assistant Director, Division of Building Code Enforcement, present to the Board the suggested change for section 302 (exterior walls) of the residential code. After a request for a hearing and comments were received regarding 815 KAR 7:125, section R302, an amendment was made to Section 302. This amendment would add an exception to allow building applications that have received local zoning approvals for plats or for preliminary concept or master plans prior to July 1, 2007, dwellings with a fire separation distance of less than three (3) feet from the property line shall be required to have at least a one-hour fire resistance rating and exposure from both sides and openings shall not be permitted. Projections and penetrations shall comply with Table R302.1 which has been modified to comply and ICC's errata was made to Table R302. The other exception is that minimum fire separation distances for exterior walls may be decreased to a minimum of three (3) feet from the property line if the exterior wall of the dwelling on the adjacent site is held by deed or other recorded land restriction at a distance from the property line which affords at least (10) feet between the exterior walls of the dwelling. Projections more than twelve (12) inches beyond the exterior wall are prohibited.

Terry Slade proposed a word change in Exception 4 of "fire resistance rating". The "and" would be changed to "with". Correction will be made.

Chair explained that Fisher Homes from Northern Kentucky had already had several hundred lots already set up for the old separation and the new language would impose a tremendous hardship on them. The City of Louisville would have a similar situation in dealing with lots that have been platted for Habitat for Humanity. The new language would address this issue and would not impose a hardship on those plats and plans that were submitted prior to July 1, 2007.

**Motion:** Chair called for motion. Mr. Buell made a motion to ratify the changes and the technical, clerical and formatting changes submitted by Mr. Mann. Motion seconded by Mr. Janesen. **Vote:** The motion passed unanimously.

Chair called for presentation of Bill Pearson's suggested amendment to the KBC (Code change number KBC 07-01). Mr. Pearson's change would create a new section 509.9 Use Group R to afford a 1-hour fire separation. This level of separation would provide the same protection that is now required between dwelling units and the exit enclosure requirement will insure a higher level of safety.

**Motion:** Chair called for motion to approve the amendment. Motion made by Mr. Carter. Motion seconded by Mr. Edwards. **Vote:** The motion passed unanimously.

**Legislative Update.** Mr. Reichert, General Counsel, stated that two of the regulations (815 KAR 20:078 and 815 KAR 7:125) sent to LRC were kicked out of the process because of the request for a hearing and comments that were received. Amendments were made to these two regulations as a result of the hearing and comments and these were approved by the Board (copies in packet). Mr. Reichert requested ratification of those changes made to the regulations as a result of the hearing and comments.

**Motion:** Chair called for a motion. Mr. Buell made a motion to ratify the amendments. Motion seconded by Mr. Carter. **Vote:** The motion passed unanimously.

Mr. Reichert added that the first set of regulation that included the building code, has been reviewed by the sub-committee and should be effective sometime mid to late this month. The residential code and the plumbing code regulation will be reviewed by the committee on June 7, 2007 and will probably not become effective until mid or late July. There will be a 30 day opportunity for it to be referred to an oversight committee.

**Mr. Carter asked to present an additional item.** He suggested that the Board look at streamlining the process of adoption of building codes. For instance, ICC does an eighteen month supplement and Mr. Carter felt adopting this supplement could be beneficial. Chair explained that the Office has changed its approach in that we do not publish the KBC or the KRC. However, the 2007 codes for the KBC and the KRC will be online, free of charge and downloadable. The Office has adopted the 2006 versions of the IBC and the IRC and these will have to be purchased from ICC.

**Mr. Slade requested an additional item.** Mr. Slade was concerned about the mandatory effective date for the codes and would like to have something more definite. He feels that it would be unfair to enforce the July 1, 2007 date and suggested a 90 day grace period. Chair suggested that the Board go with a July 1, 2007 date for the KBC and an August 1, 2007 date for the KRC and authorize Mr. Slade to use his best judgment on special cases. After discussion by the Chair and Board it was decided that the effective dates would be July 1, 2007 for the KBC and August 1, 2007 for the KRC with a ninety day grace period applied to both codes.

**Motion:** Chair called for a motion on these issues. Mr. Carter made a motion to approve. Motion seconded by Mr. Jansing. **Vote:** The motion passed unanimously.

Mr. Mann requested that the ninety day period end on the 1<sup>st</sup> day of the month which would be October 1, 2007 for the KBC and November 1, 2007 for the KRC.

**Motion:** Chair called for a motion. Mr. Carter made the motion to amend his previous motion to state that the grace period would end effective October 1, 2007 for the KBC and November 1, 2007 for the KRC. Motion seconded by Mr. Jansing. **Vote:** The motion passed unanimously.

**Adjournment:** Motion made to adjourn by Mr. Carter. Motion seconded by Mr. Vanwinkle. **Vote:** The motion passed unanimously. Meeting adjourned at 10:55 a.m.

Next meeting will be August 23, 2007 at 10:00 a.m. in the OHBC conference room.